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CENTRAL FAX CENTER**FACSIMILE COVER SHEET****JUN 21 2006**Deliver to: Lin, Kelvin Y., USPTOArt Group: 2142Facsimile No.: (571) 273-8300Date: 06-21-06From: William Thomas Babbitt, Reg. No. 39,591Our Docket No.: 6783P005XNumber of pages 6 including this sheet.Application No.: 09/847,811Filing Date: 5/1/2001Docket Due Date(s): 6/23/2006

Enclosed are the following documents:

- | | |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <input type="checkbox"/> Amendment: _____ (____pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Appeal Brief (____pgs) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Application: _____ | <input type="checkbox"/> Petition for: _____ |
| (____pgs) w/cover & abstract) | <input type="checkbox"/> Request for Continued Examination (RCE) |
| <input type="checkbox"/> Assignment & Cover Sheet (____pgs) | <input type="checkbox"/> Reply Brief (____pgs) |
| <input checked="" type="checkbox"/> Certificate of Facsimile | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i) |
| <input type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request |
| <input type="checkbox"/> Declaration & POA (____pgs) | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Drawings: ____ sheets, ____ figures | <input type="checkbox"/> Response to Written Opinion (____pgs) |
| <input type="checkbox"/> Extension of Time: _____ | <input type="checkbox"/> Terminal Disclaimer |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Transmittal of Publication Fee Due |
| <input type="checkbox"/> IDS & PTO/SB/08 (____pgs) | <input checked="" type="checkbox"/> Transmittal Letter |
| <input checked="" type="checkbox"/> Other Responses to Notice of Non-Compliant Appeal Brief (2 pp.) | |

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Marilyn Bass06-21-06
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JUN 21 2006

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application No.	09/847,811
		Filing Date	May 1, 2001
		First Named Inventor	Timothy W. Genske
		Art Unit	2142
		Examiner Name	Lin, Kelvin Y.
Total Number of Pages in This Submission	5	Attorney Docket Number	6783P005X

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Facsimile transmission</div>
Remarks Response to Notice of Non-Compliant Appeal Brief		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William Thomas Babbitt, Reg. No. 39,591 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	<i>William T. Babbitt</i>
Date	June 21, 2006

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Signature	<i>Marilyn Bass</i>		

Based on PTO/SB/21 (03-04) as modified by Blakely, Sokoloff, Taylor & Zafman (rev) 11/03/2005.
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JUN 21 2006

**FEE TRANSMITTAL
for FY 2005***Patent fees are subject to annual revision.*☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	09/847,811
Filing Date	May 1, 2001
First Named Inventor	Timothy W. Genske
Examiner Name	Lin, Kelvin Y.
Art Unit	2142
Attorney Docket No.	6783P005X

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☐ Credit any overpayments
FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) _____

SUBTOTAL (2) (\$)

SUBMITTED BY

Name (Print/Type)	William Thomas Babbitt	Registration No. (Attorney/Agent)	39,591	Telephone	(310) 207-3800
Signature	<i>William T. Babbitt</i>	Date	06-21-06		

Based on PTO/38/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/1) 12/18/2004.
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JUN 21 2006

**FEE TRANSMITTAL
for FY 2005***Patent fees are subject to annual revision.*☒ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT**

(\$)

Complete if Known

Application Number	09/847,811
Filing Date	May 1, 2001
First Named Inventor	Timothy W. Genske
Examiner Name	Lin, Kelvin Y.
Art Unit	2142
Attorney Docket No.	6783P005X

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☐ Credit any overpayments
FEE CALCULATION**Large Entity****Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
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1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) _____

SUBTOTAL (2) (\$)**SUBMITTED BY**

Name (Print/Type)

William Thomas Babbitt

Registration No.
(Attorney/Agent)

39,591

Complete (if applicable)

Telephone

(310) 207-3800

Signature

William T. Babbitt

Date

Jun 21, 2006

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.
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Attorney's Docket No. LS/0005.01

JUN 21 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Examiner: Lin, Kelvin Y.
Timothy W. GENSKE,)
William G. SWINTON, David VOGEL,) Art Group: 2142
Philippe R. KHAN, and Eric O. BODNAR)
Application No. 09/847,811)
Filed: May 1, 2001)
For: SYSTEM AND METHOD FOR DYNAMIC)
UPLOADING AND EXECUTION OF)
APPLICATIONS AND DRIVERS)
BETWEEN DEVICES)

Mail Stop Appeal Briefs - Patent
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

In response to the Notification of Non-Compliant Appeal Brief mailed May 23, 2006 in the above-referenced case, Applicants respond as follows:

A corrected appeal brief was mailed on March 9, 2006 and received by the Patent and Trademark Office on March 13, 2006, in response to a first Notification of Non-Compliant Appeal Brief mailed February 28, 2006. Nevertheless, the current Notification was issued, identifying alleged errors that had already been corrected. Applicants discussed this situation with the Examiner by telephone on June 20, 2006, and the Examiner confirmed his receipt of the corrected appeal brief.

LS/0005.01

1

09/847,811

Applicants respectfully request that the Board review and consider the Corrected Appeal Brief previously filed in this examination.

Respectfully submitted,
Blakely, Sokoloff, Taylor & Zafman, LLP

Dated: June 21, 2006

William V Babbitt
William Thomas Babbitt, Reg. No. 39,591

<p>12400 Wilshire Boulevard Seventh Floor Los Angeles, California 90025 (310) 207-3800</p>	<p>CERTIFICATE OF FACSIMILE: I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office. <u>Marilyn Bass</u> <u>06-21-06</u> Marilyn Bass Date</p>
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